

**ZB# 98-7**

**Fred Simoni**

**38-3-6**

Prelim.

February 9, 1998.

71st E.  
mail Aps. to Mr.  
Simoni  
Need it  
Notice to Paper - 3/18/98.

Public Hearing:

April 13, 1998.

Area Variance

Approved 5-0

Refund:

\$ 189.50

#98-7-Simoni, Fred

Area - 38-3-6

DATE March 27, 1998 **RECEIPT** 341097

RECEIVED FROM Frederick & Coleen Simon

Address \_\_\_\_\_

Fifty 00/100 = \$ 50.00

FOR ZBA # 98.07

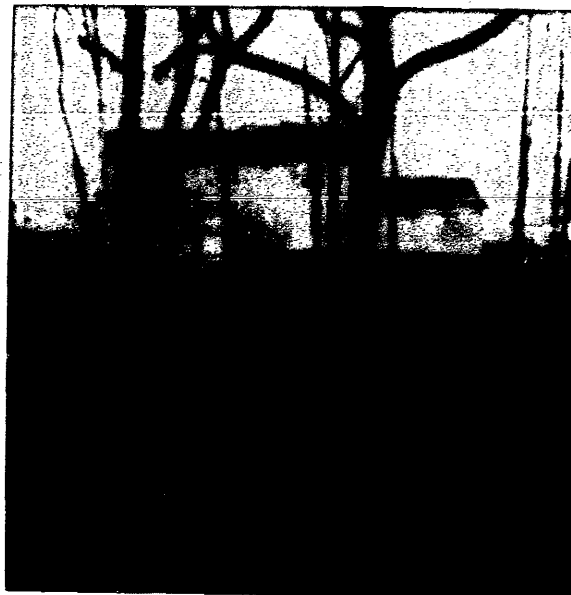
ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	<u>CL # 723</u>
AMOUNT PAID		CHECK	<u>50.00</u>
BALANCE DUE		MONEY ORDER	

Town Clerk Donnelly H. Hansen

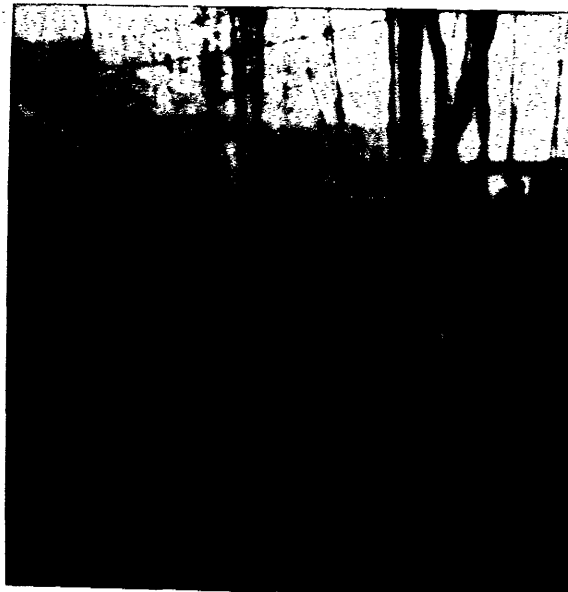


BALANCE		CASH	U# 723
AMOUNT		CHECK	50.00
PAID		MONEY	
BALANCE		ORDER	
DUE			

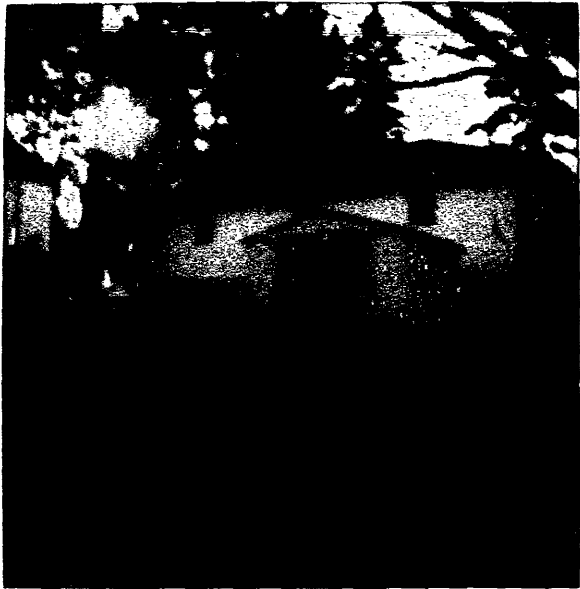
Don't forget to pay



front to back



side (2)



Side View ①



Side ①



Side view ②

498-1 - ~~Shimizu~~  
Over - 38-3-6

**APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)**

**APPLICANT:** Simoni, Ted  
\_\_\_\_\_  
\_\_\_\_\_

**FILE#** 98-07

**RESIDENTIAL:** \$50.00  
**INTERPRETATION:** \$150.00

**COMMERCIAL:** \$150.00

**AREA** X

**USE** \_\_\_\_\_

**APPLICATION FOR VARIANCE FEE** ..... \$ 50.00

\*

\*

\*

**ESCROW DEPOSIT FOR CONSULTANT FEES** ..... \$ 300.00.

**DISBURSEMENTS:**

**STENOGRAPHER CHARGES: \$4.50 PER PAGE**

**PRELIMINARY MEETING-PER PAGE** 2/9/98-5 ..... \$ 22.50  
**2ND PRELIMINARY- PER PAGE** 4/13/98-4 ..... \$ 18.00  
**3RD PRELIMINARY- PER PAGE** ..... \$ \_\_\_\_\_  
**PUBLIC HEARING - PER PAGE** ..... \$ \_\_\_\_\_  
**PUBLIC HEARING (CONT'D) PER PAGE** ..... \$ \_\_\_\_\_  
**TOTAL** ..... \$ 40.50

**ATTORNEY'S FEES: \$35.00 PER MEETING**

**PRELIM. MEETING:** 2/9/98 ..... \$ 35.00  
**2ND PRELIM.** 4/13/98 ..... \$ 35.00  
**3RD PRELIM.** ..... \$ \_\_\_\_\_  
**PUBLIC HEARING.** ..... \$ \_\_\_\_\_  
**PUBLIC HEARING (CONT'D)** ..... \$ \_\_\_\_\_  
**TOTAL** ..... \$ 70.00.

**MISC. CHARGES:**

..... \$ \_\_\_\_\_  
**TOTAL** ..... \$ 110.50

**LESS ESCROW DEPOSIT** ..... \$ 300.00  
**(ADDL. CHARGES DUE)** ..... \$ \_\_\_\_\_  
**REFUND DUE TO APPLICANT** . \$ 189.50

[illegible]

Date 4/27/98, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth ..... DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550 .....

DATE			CLAIMED	ALLOWED
4/13/98	2BA Mtg (Denise Prounck)		75 00	
	Misc - 3			
	Bugarozzi - 4			
	Kreisberg - 4			
	Glavin - 3			
	Beddings - 18			
	Simon - 4 18.00			
	Miele - 6			
	42		189 00	
	<i>James H. Houghton</i>		264 00	



SIMONI, FRED:

MR. NUGENT: Request for 17 ft. rear yard variance to construct addition at 1 Coutant Lane in an R-4 zone.

Mr. Fred Simoni appeared before the board for this proposal.

MR. NUGENT: Is that where that little shed is? That's the back of the house?

MR. SIMONI: Yeah, this is from the side. I'm standing right where the exiting house is and I took a picture.

MR. KANE: The addition, are you cutting any trees down or creating any water hazards with the building of this?

MR. SIMONI: No.

MR. KANE: What size is the addition?

MR. SIMONI: The total addition is like 20 x 30 I believe in that area and there. I was supposed to have it done, it's a 20 x 30.

MR. NUGENT: Did you hear that? 20 x 30 addition. I mean Larry.

MR. REIS: You're looking at me and saying --

MR. TORLEY: Yes, I heard that.

MR. KANE: Fred, why are you adding this addition?

MR. SIMONI: I have a growing family.

MR. KANE: Are you adding bathrooms, bedrooms?

MR. SIMONI: I'm adding a family room, bedroom and bathroom.

MR. KANE: One bathroom in the house, Fred?

MR. SIMONI: Yeah.

MR. KANE: So for your own health reasons you're adding the second bathroom?

MR. SIMONI: Yeah, a wife and teenagers. That will do

it everytime.

MS. OWEN: Sanity reasons.

MR. TORLEY: There's no economically feasible way of making the addition without approaching on the setbacks of the house?

MR. SIMONI: Back is the only possible place. The sides, I don't really have too much so.

MR. TORLEY: Have you discussed this with any of your neighbors?

MR. SIMONI: The ones around me, yeah, I talked it over with them.

MR. NUGENT: And I don't think anybody's here.

MR. SIMONI: It's a private road, not too many neighbors.

MR. TORLEY: I don't even see the road on the map.

MR. REIS: Pat, did you receive any negative responses on the letters?

MS. BARNHART: No. Actually, somebody came over but they were on the wrong side of the road.

MR. TORLEY: Just for our record, how many letters went out so she can have it on the record.

MS. BARNHART: I'll tell you in a minute.

MR. NUGENT: 30 went out. Well, there's no one here.

MR. KANE: And you're not changing the face or the feel of the neighborhood with adding this structure?

MR. SIMONI: No.

MR. KRIEGER: If the structure were permitted, would the house in size be consistent, approximately consistent with the other houses in the neighborhood? I mean, it wouldn't make it much larger than everybody else?

MR. SIMONI: No. The ones behind me are larger even with the structure.

MR. KRIEGER: Would you if this construction were permitted be altering any course of water flow or causing any ponding or accumulation of water?

MR. SIMONI: No.

MR. KRIEGER: Would you be interfering with any septic system or sewer easement?

MR. SIMONI: No.

MR. KRIEGER: How is the house supplied with water, well or municipal?

MR. SIMONI: Municipal.

MR. KRIEGER: And this wouldn't be over top of any water easement?

MR. SIMONI: No.

MR. NUGENT: And you have town sewer?

MR. SIMONI: Yes.

MR. NUGENT: Do you have septic?

MR. SIMONI: I have septic.

MR. NUGENT: This is not going to be over that?

MR. SIMONI: No, that's over to the right of the house alongside the right side.

MR. KRIEGER: Would it be the other side of the house?

MR. SIMONI: Yes.

MR. BABCOCK: Mr. Chairmen, across from Harry Lane on 32, the little dirt road that goes down in there.

MR. NUGENT: Okay

MR. TORLEY: Mr. Chairman, entertain a motion in this matter?

MR. NUGENT: Yes.

MR. TORLEY: I move we grant Mr. Simoni his requested variance.

April 13, 1998

34

MR. KANE: Second.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

-----X  
In the Matter of the Application of

**FRED SIMONI**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

#98-7.  
-----X

**WHEREAS, FRED SIMONI, 1 Coutant Lane, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 17 ft. rear yard variance in order to construct an addition to residence at the above residence in an R-4 zone; and**

**WHEREAS, a public hearing was held on the 13th day of April, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant appeared before the Board on Applicant's behalf for this Application; and**

**WHEREAS, there were no spectators appearing at the public hearing; and**

**WHEREAS, no one spoke in favor of or in opposition to the Application; and**

**WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and**

**WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:**

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a one-family home located in a neighborhood of one family homes.

(b) The variance is sought to construct an addition to the one-family dwelling which would be approximately 20 x 30, containing a family room, bedroom and bathroom. There is no economically feasible way of making the addition without a variance since the back of the dwelling is the only possible place to construct the addition.

(c) The parcel is on a private road.

(d) The proposed addition would make the structure consistent with the other houses in the neighborhood but not as large as some of the houses in the neighborhood.

(e) The construction would not alter any course of water flow or cause any ponding or accumulation of water.

(f) The construction if permitted would not interfere with any septic system or sewer easement.

(g) The construction if permitted would not interfere with, or be over top of any water easement. The proposed construction would not be on top of the septic system which is on the side of the house.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is not substantial in relation to the Town regulations but nevertheless is warranted.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Zoning Board of Appeals of the Town of New Windsor GRANT a

request for a 17 ft. rear yard variance for construction of an addition to the residence located at the above-referenced property in an R-4 zone as sought by the Applicants in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 08, 1998.

/s/ James Nugent  
Chairman

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

*Prekin.*  
*Feb. 9, 1998.*  
*7:30 pm.*  
*#98-07*

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 1/20/98

APPLICANT: Fred Simoni  
1 Coutant Drive Lane  
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/20/98

FOR :

LOCATED AT: 1 Coutant Drive

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 38-3-6

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Insufficient rear yard set-back for proposed addition.



  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4 USE: 10 - G

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD: 40'

23'

17'

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A.. APPLICANT, FILE ,W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permit must be obtained along with building permit for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permit must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

RECEIVED

JAN 13 1998

BUILDING DEPARTMENT

Owner of Premises FRED COLGAN SHERMAN

Address 1 COUTANT DR Phone 565-7573

Mailing Address Same 565-7573

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

FOR OFFICE USE ONLY

Building Permit # \_\_\_\_\_

1. On what street is property located? On the \_\_\_\_\_ side of \_\_\_\_\_  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_
2. Zone or use district in which premises are situated R-4 Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_
3. Tax Map Description: Section 38 Block 3 Lot 6
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
  - a. Existing use and occupancy \_\_\_\_\_
  - b. Intended use and occupancy \_\_\_\_\_
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐
6. Is this a corner lot? \_\_\_\_\_
7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_
8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_  
 Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_  
 Heating Plant Gas \_\_\_\_\_ Oil \_\_\_\_\_ Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_  
 If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
10. Estimated cost \_\_\_\_\_ Fee \_\_\_\_\_  
 (To be Paid on this Application)
11. School District \_\_\_\_\_

Care for the work described in the Application for Building Permit includes the cost of all the construction and other work done in connection therewith exclusive of the cost of the land. If final cost shall exceed estimated cost an additional fee may be required before the issuance of Certificate of Occupancy.

FRED  
SIMON

1, 14, 1998

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Bobcock  
Asst. Inspectors: Frank Lisi,  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 564-4648 563-4618  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

REFER TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☐

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and codes that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

*[Signature]*

(Signature of Applicant)

1. Contant DOW New Windsor, N.Y.  
(Address of Applicant)

12553

PLOT PLAN

NOTE:

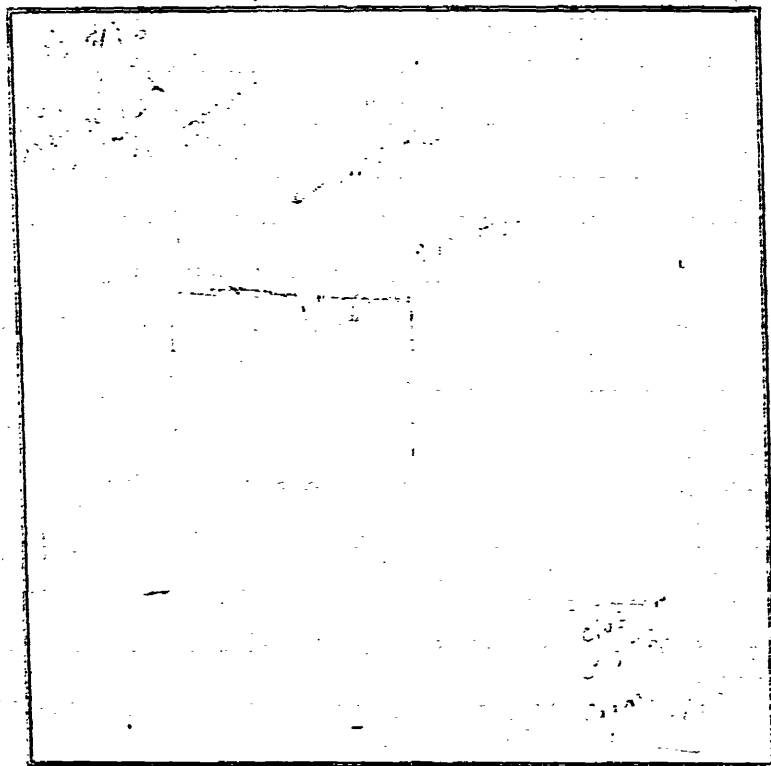
Locate all buildings and indicate all set back dimensions. Applicants must indicate the building line or lines clearly and distinctly on the drawing.

N

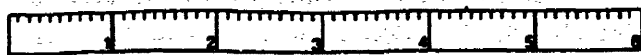
W

E

S



**SCALE IN 1/10 OF AN INCH**



**SECTION 35**

WINDSOR — GARDEN — DRIVE

STATE-HWY-1-NO

CONSOLIDATED

**W.Y.**

**SECTION 42**

WILLOW



24

CORP.

RAIL

UNCONSOLIDATED

HARTH

**SECTION 39**

WILLOW

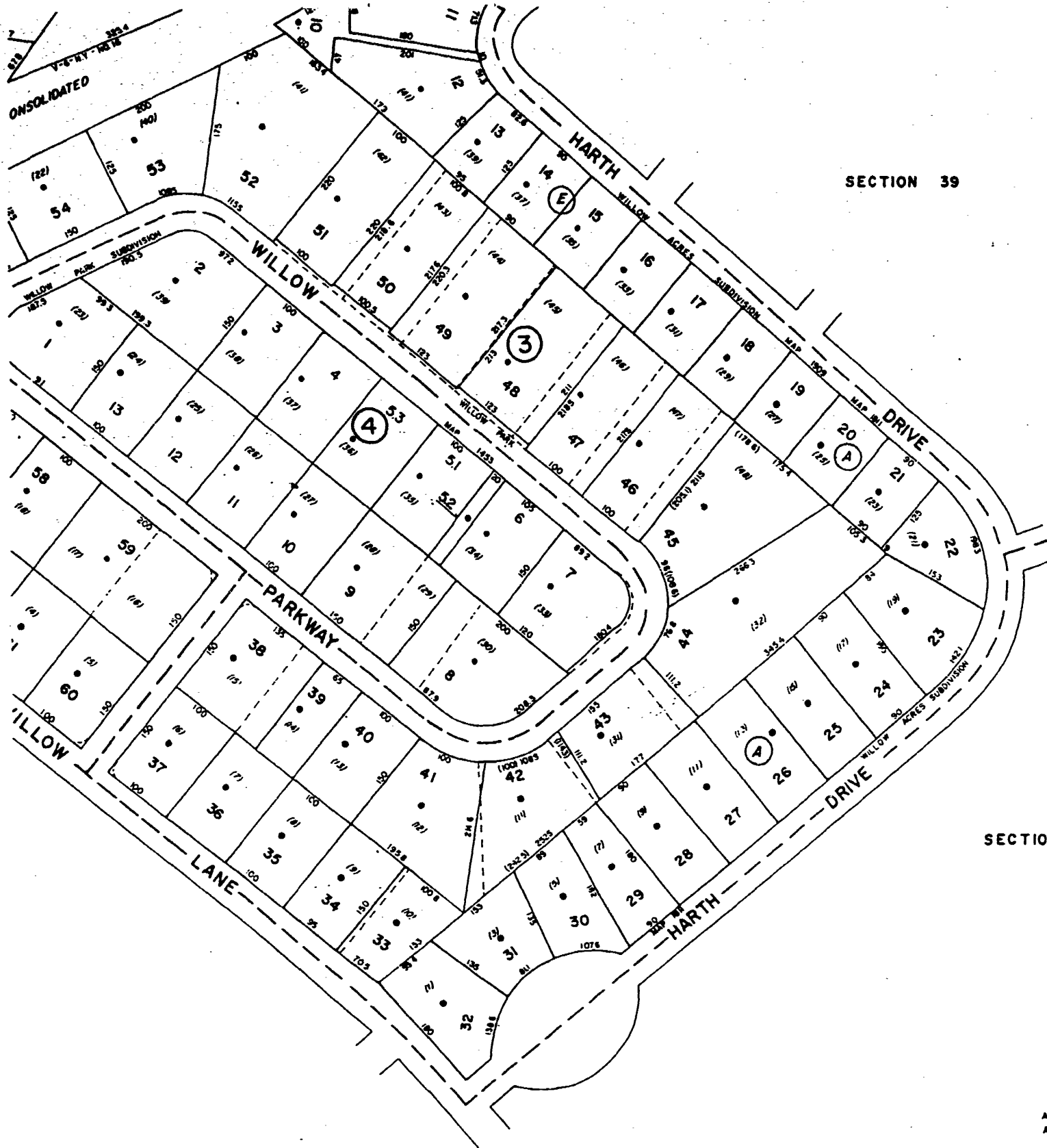
PARKWAY

DRIVE

DRIVE

**SECTION 43**





SECTION 39

SECTION 43

475

ALL NEWBURGH SCHOOL DISTRICT  
ALL VAILS GATE FIRE DISTRICT

# ORANGE COUNTY-NEW YORK

TOWN OF NEW WINDSOR

FILED PLAN BLOCK NO.	14-3132
FILED PLAN LOT NO.	1-11
STATE HIGHWAYS	BY STATE MAP 10-17
COUNTY HIGHWAYS	COUNTY MAP 10-17
TOWN ROADS	TOWN MAP 10-17

Photo No: 14-3132

Date of Map: 9-24-67

Date of Photo: 3-1-65

Date of Revision: 3-1-93

Scale: 1" = 100'

Section No 38

**DEBORAH GREEN**  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1999



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

30

March 17, 1998

Fred Simoni  
1 Coutant Drive Lane  
New Windsor, NY 12553

Re: Tax Map Parcel 38-3-6 (Coleen Reynolds)

Dear Mr. Simoni:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerks office.

Sincerely,

*Leslie Cook* /cmo

LESLIE COOK  
Sole Assessor

/cmo  
Attachments

[Redacted]

Schatz, Aloysius J. X  
1470 Route 94  
New Windsor, NY 12553

Placencia, Miguel A. & Monica X  
270 Garden St.  
New Windsor, NY 12553

Wisher, Michael & Karolyn X  
274 Garden St.  
New Windsor, NY 12553

Castillo, Luis E. & Milene X  
280 Garden St.  
New Windsor, NY 12553

Napolitani, Donald R. & Mary Lou F. X  
293 Garden St.  
New Windsor, NY 12553

Payne, Eric & Crystal X  
291 Garden St.  
New Windsor, NY 12553

Fox, Thomas E. X  
287 Garden St.  
New Windsor, NY 12553

Colucci, Michael G. & Patricia M. X  
283 Garden St.  
New Windsor, NY 12553

Bogerd, Bruce M. & Stephanie C. X  
281 Garden St.  
New Windsor, NY 12553

Santos, Ramon & Ana X  
277 Garden St.  
New Windsor, NY 12553

Don-Bar Development Corp. X  
54-150 Old Route 9W  
New Windsor, NY 12553

Harrison, Donna X  
RD 3 Leeland Road  
Newburgh, NY 12550

Frangello, Albert Richard X  
PO Box 4110  
New Windsor, NY 12553

Frangello, Norma Jean X  
2 Coutant Lane  
New Windsor, NY 12553

Schirmer, Frank E. & Elsie M.  
245 Windsor Highway  
New Windsor, NY 12553

Hirsch, Jack & Josephine  
34 Willow Parkway  
New Windsor, NY 12553

Robles, Christine  
3 Coutant Lane  
New Windsor, NY 12553

Windsor Crest Homeowners Assoc  
232 Windsor Highway  
New Windsor, NY 12553

McDermott, William J. & Eleanor M.  
5 Coutant Lane  
New Windsor, NY 12553

Consolidated Rail Corp.  
6 Penn Center Plaza  
Philadelphia, PA 19103

Central Hudson Gas & Electric Corp.  
284 South Ave.  
Poughkeepsie, NY 12602

Kane, Michael D. & Marlene C.  
43 Harth Drive  
New Windsor, NY 12553

Huxel, Robert & Charlotte  
41 Harth Drive  
New Windsor, NY 12553

Kanan, Rebecca  
30 Willow Parkway  
New Windsor, NY 12553

Hovey, Richard S. & Kathleen  
32 Willow Parkway  
New Windsor, NY 12553

Bale, Bonnie Jean  
36 Willow Parkway  
New Windsor, NY 12553

Sangiacomo, William & ETAL  
38 Willow Parkway  
New Windsor, NY 12553

Choi, Joseph S. & Eliza H.  
27 Willow Parkway  
New Windsor, NY 12553

McKenzie, George &  
Staples, Ophelia  
116 Sterling St.  
Beacon, NY 12508

Messenger, Glen & Fabiann  
45 Harth Drive  
New Windsor, NY 12553

Pls. publish on or before April 1st. Send bill to Applicant at below address

**PUBLIC NOTICE OF HEARING**

**ZONING BOARD OF APPEALS**

**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 7

Request of Fred Simoni

for a VARIANCE of the Zoning Local Law to Permit:

addition to single-family residence  
w/ insufficient rear yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs.  
Col. G

for property situated as follows:

1 Coutant Lane, New Windsor, N.Y.

known and designated as tax map Section 38, Blk. 3, Lot 6.

SAID HEARING will take place on the 13<sup>th</sup> day of April, 1998 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent.  
Chairman

By: Patricia A. Barnhart, Secy.

DEED

THIS INDENTURE, made the 20<sup>th</sup> day of February, 1998, BETWEEN COLEEN J. SIMONI, f/k/a COLEEN J. REYNOLDS, residing at 1 Countant Drive, New Windsor, New York, party of the first part, and COLEEN SIMONI and FREDERICK J. SIMONI, husband and wife, residing at 1 Countant Drive, New Windsor, New York, party of the second part,

WITNESSETH, that the part of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs, or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, more particularly described on Schedule "A" annexed hereto and made part hereof. Subject to covenants, easements, agreements, restrictions and consents of record.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted to the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In the Presence of:

Coleen J. Simoni  
Coleen J. Simoni  
f/k/a Coleen J. Reynolds

STATE OF NEW YORK: COUNTY OF ORANGE:

On the 10<sup>th</sup> day of February, 1998, before me personally came COLEEN J. SIMONI, f/k/a COLEEN J. REYNOLDS to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same.

[Signature]  
Notary Public

CHARLES P. OBREMSKI  
Notary Public, State of New York  
No. 31-0174500  
Qualified in Orange County  
Commission Expires 5/31/98

RECORD AND RETURN TO:

CHARLES P. OBREMSKI, ESQ.  
321 Main St. P.O. Box 547  
Cornwall, New York 12518



## SCHEDULE "A"

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, State of New York, bounded and described as follows:

BEGINNING at a point in the northwesterly line of lands formerly of Norman J. Coutant and Audrey Coutant, his wife, now of Gibson, said point being the most southerly corner of the premises herein described and the point where the center line of a right of way running from Windsor Highway to lands formerly of Mills intersects said northwesterly line and running thence along the northwesterly line of lands formerly of said Coutant, N 53 degrees 06' E, 101.44 feet to the westerly side of a lane known as the William R. Wood Lane; thence running along the westerly side of said lane N 20 degrees 19' W, 64.61 feet; thence along the southeasterly line of lands of Harrison S. Coutant, S 51 degrees 56' W, 109.37 feet to the center line of said right of way running from Windsor Highway and thence along the center line of said right of way S 26 degrees 54' E, 60.62 feet to the point or place of beginning.

TOGETHER with an subject to an easement to use a right of way extending from Windsor Highway to and along the front of the premises above described in common with all others having similar rights therein, as a means of ingress to and egress from the premises above described, subject to the payment of a proportionate part of the upkeep of said right of way and the cost of snow removal therefrom computed at the proportion that the area of the premises above described bears to the area of other premises having similar rights therein. ALSO all of the right, title and interest of said Harrison S. Coutant of, in and to all that tract or parcel of land situate, lying and being in the Town of New Windsor, Orange County, New York, described as follows:

BEGINNING at a point in the westerly line of a lane, sometimes known as Will R. Wood Lane, at the southeasterly corner of the premises above described and the most northerly corner of lands formerly of Norman J. Coutant and Audrey Coutant, his wife, and running thence along the easterly line of the premises above described and the westerly line of said land N 20 degrees 19' W, 64.61 feet to other lands of said Harrison S. Coutant; thence N 51 degrees 56' E, 25 feet 6 inches more or less to lands n/f Eva Purdy and the easterly side of said lane; thence southeasterly along the same to lands formerly of said Norman J. Coutant and Audrey Coutant, his wife, thence S 53 degrees 06' W, 25 feet 6 inches more or less to the point or place of beginning.

TOGETHER with the right common with all others having similar rights therein and subject to such rights to use an underground pipe line or drain located in the easterly portion of the premises above described and of other premises

adjoining the same on the north and south and extending southeasterly to a point near lands of the Erie Railroad Company, for the purpose of receiving and conducting away the overflow from a septic tank and other waste waters from the premises above described, with the right to go upon said lands for the purpose of relaying, repairing, or cleaning said pipe line, subject to the payment of a proportionate part of the expense of which including the expense of restoring the surface of the ground to its former condition, computed at the proportion that the area of the premises above described bears to the area of other premises having similar rights therein.

BEING the same premises described in a deed dated November 4, 1987, recorded in the Orange County Clerk's Office Liber 2833 cp. 215.

Date 2/1/78, 19.....

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO ..... Frances Roth ..... DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
2/9/98	Zoning Board Mtg	75	00
	Misc. - 3		
	Simoni - 5      22.50.		
	Sharma - 7		
	Brooks - 4		
	Diaz - 3		
	Metzger 3	112	50
	25 pgs		
		187	50

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PRELIMINARY MEETING:

SIMONI, FRED

MR. NUGENT: Request for 17 ft. rear yard variance for construction of addition to residential dwelling at 1 Coutant Drive in an R-4 zone.

Mr. Fred Simoni appeared before the board for this proposal.

MR. NUGENT: Tell us what you want to do and why.

MR. SIMONI: I have got a growing family and I need to make my house a little bigger. I'm going to put on a family room, bedroom, fix up one bedroom and a bathroom.

MR. NUGENT: What's the problem here?

MS. BARNHART: 17 foot rear yard.

MS. OWEN: Will this addition be over any sewer or water lines?

MR. SIMONI: Not that I know of. I have an architect, he is going to come and look at it, he's supposed to meet me here tonight.

MR. KANE: This will leave you with 23 foot rear yard?

MR. SIMONI: Yeah, after.

MR. KANE: After you take the 17 you only have 40 feet?

MR. SIMONI: Yeah, it was 40 feet right to the back of the house.

MR. KANE: Is there an existing deck on the back of the house?

MR. SIMONI: No.

MR. KANE: Is it right to the back of the house the 40 feet?

MR. SIMONI: Right.

MR. REIS: You're not going to be out to the width of the house, staying the same side yards?

MR. SIMONI: The sides I don't have enough room on the sides straight back.

MR. REIS: Just to the rear of the yard?

MR. SIMONI: Right.

MR. KANE: Any septic, well?

MR. SIMONI: I have a septic, yeah, and the water is town water.

MR. KANE: How far from the septic does this proposed addition put you?

MR. SIMONI: I didn't measure but it's on the other side of the house.

MR. TORLEY: Further away?

MR. SIMONI: Yeah, like the septic is on the right side of the house, as you're facing it, cause you're facing the house and the addition will go up on the left side.

MR. KANE: So it's in no way going to encroach on that or the leach fields?

MR. SIMONI: I don't think so.

MR. TORLEY: You better check.

MR. SIMONI: Yeah, okay.

MR. TORLEY: Is this a full one story addition foundation and the whole--your plans didn't xerox well.

MR. SIMONI: Yeah, probably going to need a foundation if I am going straight back, I'm going to need a foundation.

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MR. TORLEY: This is like a bi-level and you're adding a--

MR. SIMONI: No, right now, it's like a cottage, I'm just going to extend almost like into a ranch type thing, I guess not your customary ranch, I guess it's going to be like an L almost, yeah.

MR. KANE: Do you know if this additional put you over the required coverage area of your lot? You're allowed to be within so many percentage, what is it, 20?

MR. NUGENT: It's not mentioned.

MR. TORLEY: You can only have so much of your lot covered with buildings or asphalt, so you might want to doublecheck, if you are, you have to ask for a variance too.

MR. SIMONI: It's going to probably split the back yard almost in half, not quite in half.

MR. KRIEGER: Check with the building inspector, if you need to request a variance for that, now is the time.

MR. SIMONI: Okay.

MR. TORLEY: You don't want to have to do this twice.

MR. SIMONI: Okay.

MR. NUGENT: If you have a septic, it's probably out in the back.

MR. TORLEY: Leach field?

MR. NUGENT: That is what I am talking about.

MR. KANE: You'll need to show us that. With the addition to your home, does this change the nature of the neighborhood? Are there other homes that have additions or are bigger than the home you're proposing with the addition?

MR. SIMONI: Well, the house to the left of us, it's the way it was, but it's considerably larger and the one to the right of us is exactly the same house as ours without the addition.

MR. KANE: So you don't feel it will change the nature of the neighborhood?

MR. SIMONI: I don't think so, no, it's a very private road. There's only about six or seven houses I think.

MR. REIS: Wouldn't be impacting their views or anything like that?

MR. SIMONI: No, I don't think so. On the left side of us, there's a big garage that the other owners own right there and the other side is really nothing so not even a building on that side.

MR. KANE: When you come in for the public hearing, would you bring some pictures of the property so we can see where you want to put it?

MR. SIMONI: Okay.

MR. TORLEY: It's probably a good idea, you'll be having to mail out letters to your neighbors, probably a good idea to tell them, go see your immediate neighbors and tell them what you want to do because the letter's a legal form.

MR. SIMONI: Do you mail that stuff to me and I mail it out?

MR. TORLEY: She'll tell you all about it.

MR. TORLEY: Accept a motion?

MR. NUGENT: Yes.

MR. TORLEY: I move that we grant Mr. Simoni his public hearing on requested variances.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. NUGENT: She'll give you the paperwork.

MS. BARNHART: Did I give you a copy of the application?

MR. SIMONI: This is what I have.

MS. BARNHART: That is for the building inspector's office. I'm going to give you these and I'm going to send you a copy. What's your mailing address?

MR. SIMONI: 1 Coutant Drive.

MS. BARNHART: I will mail you a copy of the application.

MR. NUGENT: It's self-explanatory.

MR. KRIEGER: When you come back, I will need to look at a copy of your deed and title policy, I don't need to keep them, but I need to look at them.

MR. SIMONI: Okay.

MR. KRIEGER: These are the criteria on which the Zoning Board of Appeals must decide based on state law. If you would address yourself to those criteria, that would be helpful. Okay?

MR. SIMONI: Okay, very good, thank you. Have a good night.